

FILED
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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RYAN H. TENNEBAR,

Defendant.

INFORMATION

CASE NO. **1 : 19 CR 437**

JUDGE **JUDGE GAUGHAN**

Title 18, Section 1349
United States Code **MAG. JUDGE BAUGHMAN**

COUNT ONE

(Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349)

The United States Attorney charges:

GENERAL ALLEGATIONS

1. On or about July 7, 2008, Healthcare Essentials, Inc. ("HEI") was a corporation formed in the State of Ohio that distributed medical supplies. HEI primarily distributed negative pressure therapy systems ("wound care vacuums"), which promote wound healing by delivering negative pressure to patients' wounds. HEI maintained a bank account at Citizens Bank, ending in #0131 ("HEI bank account"), within the Northern District of Ohio, Eastern Division.

2. At all times material herein, Kinetic Concepts, Inc. (“KCI”), was a corporation that was part of a consortium of companies owned by Acelity, L.P., a non-operating holding company, with its global headquarters located in San Antonio, Texas. KCI developed, manufactured, and distributed its proprietary wound care vacuums. KCI maintained exclusive rights over the sale and distribution of its wound care vacuums using leasing terms as the primary means of providing wound care vacuums to its customers which typically consisted of nursing homes, hospitals, and rehabilitation centers.

3. At all times material herein, Defendant RYAN H. TENNEBAR was HEI’s Director of Operations and maintained a personal Pay Pal account, ending in #7717, (“RT Pay Pal account”), to facilitate HEI’s business activities.

4. At all times material herein, Defendant was associated with an individual, Co-Conspirator Number One, not charged herein, who KCI employed at its El Paso, Texas facility as a technician from in or around June 2014 through in or around October 2014. Co-Conspirator Number One had a personal Pay Pal account, ending in #3253, (“Co-Conspirator Number One Pay Pal account”), and maintained a personal bank account at Wells Fargo Bank, ending in #3052 (“Co-Conspirator bank account”), in El Paso, Texas, within the Western District of Texas.

The Conspiracy

5. From in or around December, 2012 through in or around December, 2016, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant, RYAN H. TENNEBAR and Co-Conspirator Number One, knowingly and intentionally, did combine, conspire, confederate and agree together and with each other to violate the laws of the United States, to wit: wire fraud, in violation of Title 18, United States Code, Section 1343.

Object of the Conspiracy

6. The object of the conspiracy was to enrich Defendant, RYAN H. TENNEBAR and Co-Conspirator Number One, by devising a scheme and artifice to defraud, and to obtain monies from HEI customers by: (1) making materially false pretenses, representations and promises to HEI's customers regarding the source of wound care vacuums HEI sold and leased, and the purported nature of Defendant TENNEBAR's "working relationship" with KCI, and (2) attempting to conceal the scheme from KCI, KCI's customers, the public, and law enforcement authorities.

Manner and Means

7. Among the manner and means by which Defendant, RYAN H. TENNEBAR and Co-Conspirator Number One, carried out the conspiracy were the following:

8. At all times material herein, neither TENNEBAR nor HEI was an authorized distributor of KCI wound care vacuums and did not have KCI's approval and authority to sell, service, distribute, possess and repair KCI's wound care vacuums.

9. From in or around June 2013 through in or around December, 2016, TENNEBAR communicated via electronic mail and telephone calls to Co-Conspirator Number One to request KCI wound care vacuums which were illegally taken from KCI facilities, nursing homes, hospitals, and rehabilitation centers.

10. During his employment with KCI, Co-Conspirator Number One took wound care vacuums from KCI's inventory while those machines were being cleaned, maintained and

repaired at KCI's facility located in El Paso, Texas. Later, KCI determined that approximately 300 wound care vacuums were missing.

11. Co-Conspirator Number One continued to fraudulently acquire KCI wound care vacuums after his termination as a KCI employee in and around October 2014.

12. At all times material herein, TENNEBAR and Co-Conspirator Number One and others, relabeled or cause to be relabeled KCI wound care vacuums HEI fraudulently acquired with new HEI labels which covered the original KCI decals. The original KCI serial numbers were obliterated in most instances.

13. From in and around June 2013 through in and around April 2014, Co-Conspirator Number One used a common carrier, Federal Express, to ship approximately 36 separate packages from El Paso, Texas to TENNEBAR's personal residence in the Northern District of Ohio, Eastern Division.

14. Defendant TENNEBAR falsely represented to HEI's prospective customers, such as hospitals, nursing homes, and rehabilitation facilities, that HEI was an authorized distributor of KCI's wound care vacuums

15. From in and around January 2014 through in and around July 2016, Co-Conspirator Number One called TENNEBAR on his cellular telephone approximately 188 times.

16. From in and around November 2014 through in and around July 2016, TENNEBAR called Co-Conspirator Number One on his cellular telephone approximately 177 times.

17. From in and around August 2015 through in and around July 2016, Co-Conspirator Number One sent TENNEBAR approximately 1,940 text messages. During this

same time period, TENNEBAR sent Co-Conspirator Number One approximately 789 text messages.

18. From at least in and around January 2013, through in and around December 2016, TENNEBAR sent Co-Conspirator Number One approximately \$619,000 through 207 interstate wire transfers through their respective RT Pay Pal and Co-Conspirator Number One Pay Pal accounts.

Acts in Furtherance of the Conspiracy

19. In furtherance of the conspiracy and to effect its unlawful objects, Defendant, RYAN H. TENNEBAR and Co-Conspirator Number One, committed the following acts, among others, in the Northern District of Ohio, Eastern Division, and elsewhere:

- a. On or about February 19, 2014, TENNEBAR replied to an email from a Director of Purchasing for a nursing home and assisted living company headquartered in the Northern District of Ohio, Western Division, inquiring about KCI providing HEI clinical support wherein he falsely claimed, "I work with KCI at a much higher level where revenue dollars I bring them is more important than commission checks for the sales team. There is a much bigger picture here that KCI Corporate understands and appreciates . . ."
- b. On or about March 10, 2014, a representative from a nursing center located in the Southern District of Ohio sent an email to TENNEBAR indicating, "KCI is at O** P***** and stating healthcare essentials is illegal. What is going?" On the same date, TENNEBAR replied, "We have been in business for six years. We import our inventory and have a direct supply channel with both KCI and S***** and N*****. In

Ohio alone, we have over 200 customers . . . I work with KCI Corporate on a higher level than a field service rep because of the home-care business I generate for them. Nothing is illegal about this operation.”

c. On or about July 27, 2015, Defendant TENNEBAR sent or caused to be sent an interstate wire transfer from Ohio, in the amount of \$3,704 drawn on the HEI bank account, to Co-Conspirator Number One’s Pay Pal account in the Western District of Texas.

d. On or about February 6, 2016, Defendant TENNEBAR sent or caused to be sent an interstate wire transfer from Ohio, in the amount of \$3,601.80 drawn on the HEI bank account, to Co-Conspirator Number One’s Pay Pal account in the Western District of Texas.

e. On or about March 2, 2016, Defendant TENNEBAR sent or caused to be sent an interstate wire transfer from Ohio, in the amount of \$5,145.30 drawn on the HEI bank account, to Co-Conspirator Number One’s Pay Pal account in the Western District of Texas.

f. On or about March 17, 2016, Defendant TENNEBAR sent or caused to be sent an interstate wire transfer from Ohio, in the amount of \$2,058.30 drawn on the HEI bank account, to Co-Conspirator Number One’s Pay Pal account in the Western District of Texas.

g. On or about May 5, 2016, Defendant TENNEBAR sent or caused to be sent an interstate wire transfer from Ohio, in the amount of \$2,058.30 drawn on the HEI bank account, to Co-Conspirator Number One's Pay Pal account in the Western District of Texas.

All in violation of Title 18, United States Code, Section 1349.

JUSTIN E. HERDMAN
United States Attorney

By:

A handwritten signature in cursive script, appearing to read "Robert W. Kern", written over a horizontal line.

Robert W. Kern, Chief
White Collar Unit